

~~AF#~~
2833

120
PI
E JC93
NOV 26 2003
ENT & TRADEMARK OFFICE
(t

(to be used for all correspondence after initial filing)

ENCLOSURES (check all that apply)

- Remarks

| | | | |
|-------------------------------|----------------------------------|----------------------------------|--------------------|
| Firm or Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name Timothy Wyckoff | Reg. No. 46,175 |
|-------------------------------|----------------------------------|----------------------------------|--------------------|

| | |
|-----------|--------------------------|
| Signature | <u>1-Don ff # 46,175</u> |
|-----------|--------------------------|

| | |
|------|-------------------|
| Date | November 26, 2003 |
|------|-------------------|

RECEIVED
DEC - 4 2003
TECHNOLOGY CENTER 2800

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2003**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 330.00

Complete if Known

| | |
|---------------------|------------------------|
| Application Number | 10/030,302 |
| Filing Date | November 9, 2001 |
| Inventor(s) | Johann HERRMANN et al. |
| Examiner Name | T. Nguyen |
| Group / Art Unit | 2833 |
| Attorney Docket No. | 32860-000196/US |

METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

08-0750

Deposit
Account
Name

Harness, Dickey & Pierce, P.L.C.

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status.
See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101 | 750 | 201 | 375 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 520 | 207 | 260 | Plant filing fee | |
| 108 | 750 | 208 | 375 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|-----------------|-------------------|----------|
| 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 410 | 216 | 205 | Extension for reply within second month | |
| 117 | 930 | 217 | 465 | Extension for reply within third month | |
| 118 | 1,450 | 218 | 725 | Extension for reply within fourth month | |
| 128 | 1,970 | 228 | 985 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | 330 |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,300 | 241 | 650 | Petition to revive - unintentional | |
| 142 | 1300 | 242 | 650 | Utility issue fee (or reissue) | |
| 143 | 470 | 243 | 235 | Design issue fee | |
| 144 | 630 | 244 | 315 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 750 | 246 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 750 | 249 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 750 | 279 | 375 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 330.00

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|--------------------|----------------------------------|--------|-----------|-------------------|
| Name (Print/Type) | Timothy R. Wyckoff | Registration No. Attorney/Agent) | 46,175 | Telephone | 703-668-8000 |
| Signature | | | | Date | November 26, 2003 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

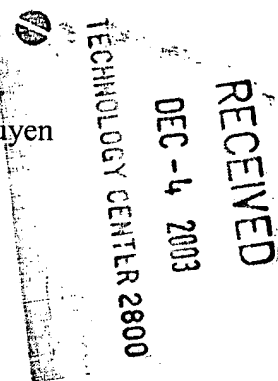
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PATENT
Attorney Docket No. 32860-000196/US

**IN THE U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Johann HERRMANN et al. Conf. No: 8998
Serial No.: 10/030,302 Group No: 2833
Filed: November 9, 2001 Examiner: T. T. Nguyen
For: INSULATION DISPLACEMENT CONTACT AND
CONNECTOR



**BRIEF ON BEHALF OF APPELLANT
FILED UNDER PROVISIONS OF 37 C.F.R. § 1.192**

Assistant Commissioner for Patents
Washington, D.C. 20231

November 26, 2003

Sir:

Applicants (now "Appellant") hereby appeal to the Board of Patent Appeals and Interferences ("the Board") from the final rejection of the Examiner dated March 26, 2003. This document represents Appellant's Appeal Brief.

§ 1.192(c)(1), REAL PARTY IN INTEREST

The real party in interest is the Assignee of the present application, namely Siemens Aktiengesellschaft. It is noted that the Assignment to Siemens Aktiengesellschaft, Inc. is recorded with the USPTO at Reel No. 012521, Frame No. 0050.

§ 1.192(c)(2), RELATED APPEALS AND INTERFERENCES

Appellant is aware of no related appeals and interferences.

11/28/2003 HDEMESS1 00000110 10030302

01 FC:1402

330.00 OP

§ 1.192(c)(3), STATUS OF CLAIMS

Claims 1-36 remain pending in the instant application, with claims 1 and 25 being the independent claims in the application.

§ 1.192(c)(4), STATUS OF AMENDMENTS

A Final Office Action was issued by the Examiner on March 26, 2003. An Amendment in the application was filed, prior to the Final Office Action, on January 3, 2003. The amendments therein were entered into the record.

§ 1.192(c)(5), SUMMARY OF THE INVENTION

The following summarizes the present invention by referring to Appellant's specification and/or disclosure.

In one embodiment of the present invention, an outer spring clip 3 includes cutting blades 4 and a subsequent cutting region 5. The arrangement according to the described embodiment is efficient in cutting and/or displacing insulation.

§ 1.192(c)(6), ISSUES

Issue No. 1

Whether Burmeister et al., U.S. Patent No. 6,027,361 anticipates the subject matter of claim 25 and 27 obvious.

Issue No. 2

Whether the combination of Burmeister et al. in view of Onoue, U.S. Patent No. 5,282,758 renders the subject matter of claims 1-24.

§ 1.192(c)(7), GROUPING OF CLAIMS

All the claims are grouped in one single group.

§ 1.192(c)(8), ARGUMENTS

Issue No. 1

Claims 25 and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Burmeister et al., U.S. Patent No. 6,027,361.

Independent claim 25 sets forth a combination of limitations including “at least one spring clip attached to the bracket, wherein the spring clip includes a cutting blade portion adapted to cut and located proximate to the contact region.” Appellant respectfully submit, for the following reasons, that the patent document relied upon by the Examiner fails to teach or suggest at least the indicated limitation of independent claim 25.

In one embodiment of the present invention, an outer spring clip 3 includes cutting blades 4 and a subsequent cutting region 5. The arrangement according to the described embodiment is efficient in cutting and/or displacing insulation.

Turning now to the relied upon patent document, Burmeister et al. teach an insulation displacement contact 10. As is illustrated in figure 2, the insulation contact 10 includes two contact shanks 20 that have ends 22. According to the relied upon patent document, this structure enables “wires to be inserted gently and smoothly.”

The Appellant respectfully submits and respectfully request that the Examiner clarify how the invention according to Burmeister et al. can enable “wires to be inserted gently and smoothly,” if as the Examiner alleges, there were indeed blades on the end 22?

In accordance with the above comments, Appellant respectfully submits that the patent documents relied upon by the Examiner neither teaches nor suggests at least the indicated limitation of independent claim 25. With regard to the rejected dependent claim, Appellant respectfully submits that this claim is allowable at least due to its dependence upon an allowable independent claim. Accordingly, Appellant respectfully requests reconsideration and withdrawal of the claim rejection under 35 U.S.C. §102(b).

Various dependent claims stand rejected under 35 U.S.C. § 103(a). In particular, claims 28-29, 30, 31-35, 26, 30 and 36. With regard to the rejection of these claims,

Appellant respectfully submits that these claims are allowable at least due to their dependence upon allowable independent claim.

Issue No. 2

Additionally, claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burmeister et al., in view of Onoue, U.S. Patent No. 5,282,758. This rejection is respectfully traversed.

Similar to independent claim 25, independent claim 1 sets forth a combination of limitations including “an outer spring clip surrounding and reinforcing the contact region, wherein the spring clip forms an insulation displacement blade in at least one end region, the blade in the at least one end region forming an entry region capable of cutting and located in front of the contact region.” Appellant respectfully submits, for the reasons provided hereinabove and hereinbelow, that neither the patent documents relied upon by the Examiner, whether in combination together or standing alone, teaches or suggests at least the indicated limitation of independent claim 1.

In an effort to make up for the deficiencies of Burmeister et al., the Examiner has relied upon Onoue. Nowhere in Onoue are the words blade or cutting, or other words that even relate to blade or cutting, used to describe cutting insulation. The Examiner alleges that Reference Number 12 of the Onoue patent document teaches “an insulation displacement blade.” However, according to Onoue, Reference Number 12 relates to wire-holding members. These wire-holding members 12 function simply to hold a wire lead in place. Nothing in the relied upon patent document indicates that these wire-holding members 12 are functional for the use of cutting. In other words, there is no cutting capability that is associated with the wire-holding members 12.

In accordance with the above, Appellant respectfully submits that the recitation of independent claim 1 is neither taught nor suggested by the patent documents relied upon by the Examiner, whether taken standing alone or in combination together.

With regard to the rejected dependent claims, Appellant respectfully submits that these claims are allowable at least due to their dependence upon allowable independent claim.

Accordingly, Appellant respectfully requests reconsideration and withdrawal of the claim rejections under 35 U.S.C. § 103(a).

Further, Appellant respectfully submits that the Examiner has shown no teaching or motivation which would lead one of ordinary skill in the art to combine the teachings of Burmeister et al. with Onoue. In order to combine the prior art references, the Examiner must show some teaching, suggestion or motivation of the desirability of making the specific combination that was made by the Applicant. The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or in some cases, the nature of the problems to be solved. See In re Dembiczak, 50 USPQ2d 1614 (Fed. Cir. 1999) and In re Kotzab, 55 USPQ2d 1313 (Fed. Cir. 2000). No such motivation has been indicated by the Examiner.

While Burmeister et al. is directed to an insulation displacement contact, Onoue is merely directed to a normal electrical contact and thus has nothing to do with displacing insulation. While Burmeister et al. arguably includes some type of contact spring, and Onoue arguably includes some type of bent wire holding members 12, claim 1 calls for a spring clip forming an insulation displacement blade in at least one end region. There is nothing in Onoue, since it does not even disclose a spring clip, which would motivate one of ordinary skill to even place its wire holding members in the alleged spring clip of Burmeister et al., let alone forming a spring clip which forms an insulation displacement blade as claimed in claim 1 (and let alone a blade which forms an entry region capable of cutting and located in front of a contact region as is also set forth in claim 1). Accordingly, without such motivation, Appellant respectfully submits that the Examiner has not established a *prima facie* case of obviousness which would render any of claims 1-36 of the present application obvious. Accordingly, withdrawal of the rejection of claims 1-24 under 35 U.S.C. § 103 as being unpatentable over the alleged combination of Burmeister et al. in view of Onoue is respectfully requested.

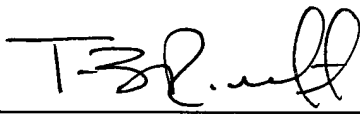
(OVERALL) CONCLUSION

Appellant has shown that the rejections of the pending claims are improper. Accordingly, Appellant requests the Board to reverse the Examiner's rejections.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§1.16 or 1.17.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C

By:  #46,175
Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, VA 20195

Attachment - Appendix (Copy Of Claims Involved In The Appeal)

1. (Amended) An insulation displacement contact, comprising:
a slotted, sprung contact region as a contact-making slot formed on a connecting bracket; and
an outer spring clip surrounding and reinforcing the contact region, wherein the spring clip forms an insulation displacement blade in at least one end region, the blade in the at least one end region forming an entry region capable of cutting and located in front of the contact region.
2. (Amended) The insulation displacement contact as claimed in claim 1, wherein the contact-making slot includes at least one blunt contact zone to protect a conductor core.
3. (Amended) The insulation displacement contact as claimed in claim 2, wherein the spring clip and blade are formed from suitably hard material, and wherein the contact region is formed from electrically conductive material.
4. (Amended) The insulation displacement contact as claimed in claim 1, wherein each connecting bracket forms a contact-making slot at each of its ends.
5. (Twice Amended) The insulation displacement contact as claimed in claim 1, wherein at least one of the spring clip and the connecting bracket are designed such that limbs of the spring clip secure the contact-making slot in its position.
6. (Amended) The insulating displacement contact as claimed in claim 1, wherein the cutting blade on the end region forms an entry region capable of cutting, and located in front of the contact region.

7. (Amended) A connecting terminal having at least one insulation displacement contact as claimed in claim 1.

8. (Amended) A terminal strip having at least one insulation displacement contact as claimed in claim 1.

9. (Previously Presented) The insulation displacement contact as claimed in claim 2, wherein each connecting bracket forms a contact-making slot at each of its ends.

10. (Previously Presented) The insulation displacement contact as claimed in claim 3, wherein each connecting bracket forms a contact-making slot at each of its ends.

11. (Amended) The insulation displacement contact as claimed in claim 2, wherein at least one of the spring clip and the connecting bracket are designed such that limbs of the spring clip secure the contact-making slot in its position.

12. (Amended) The insulation displacement contact as claimed in claim 3, wherein at least one of the spring clip and the connecting bracket are designed such that limbs of the spring clip secure the contact-making slot in its position.

13. (Previously Presented) An insulating displacement contact as claimed in claim 2, wherein the cutting blade on the end region forms an entry region capable of cutting, and located in front of the contact region.

14. (Previously Presented) An insulating displacement contact as claimed in claim 3, wherein the cutting blade on the end region forms an entry region capable of cutting, and located in front of the contact region.

15. (Previously Presented) A connecting terminal having at least one insulation displacement contact as claimed in claim 2.

16. (Previously Presented) A connecting terminal having at least one insulation displacement contact as claimed in claim 3.

17. (Previously Presented) A connecting terminal having at least one insulation displacement contact as claimed in claim 4.

18. (Previously Presented) A connecting terminal having at least one insulation displacement contact as claimed in claim 5.

19. (Previously Presented) A connecting terminal having at least one insulation displacement contact as claimed in claim 6.

20. (Previously Presented) A terminal strip having at least one insulation displacement contact as claimed in claim 2.

21. (Previously Presented) A terminal strip having at least one insulation displacement contact as claimed in claim 3.

22. (Previously Presented) A terminal strip having at least one insulation displacement contact as claimed in claim 4.

23. (Previously Presented) A terminal strip having at least one insulation displacement contact as claimed in claim 5.

24. (Previously Presented) A terminal strip having at least one insulation displacement contact as claimed in claim 6.

25. (Previously Presented) An insulation displacement contact, comprising:
a bracket, including a contact region therein; and
at least one spring clip attached to the bracket, wherein the spring clip includes a cutting blade portion adapted to cut and located proximate to the contact region.

26. (Previously Presented) The insulation displacement contact as claimed in claim 25, wherein the cutting blade portion includes a v-shaped region, adapted to cut insulation of a conductor.

27. (Previously Presented) The insulation displacement contact as claimed in claim 25, wherein the at least one spring clip is located at an end of the bracket.

28. (Previously Presented) The insulation displacement contact as claimed in claim 25, wherein the bracket includes a contact slot at each end.

29. (Previously Presented) The insulation displacement contact as claimed in claim 28, wherein a spring clip is attached at each end of the bracket.

30. (Previously Presented) The insulation displacement contact as claimed in claim 29, wherein the cutting blade portion includes a v-shaped region, adapted to cut insulation of a conductor.

31. (Previously Presented) A connecting terminal including at least one insulation displacement contact as claimed in claim 25.

32. (Previously Presented) A connecting terminal including at least one insulation displacement contact as claimed in claim 26.

33. (Previously Presented) A connecting terminal including at least one insulation displacement contact as claimed in claim 29.

34. (Previously Presented) A terminal strip having at least one insulation displacement contact as claimed in claim 25.

35. (Previously Presented) A terminal strip having at least one insulation displacement contact as claimed in claim 26.

36. (Previously Presented) The insulation displacement contact as claimed in claim 1, wherein the insulation displacement blade includes a v-shaped region, adapted to cut insulation of a conductor.